



CABINET FOR HUMAN RESOURCES
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621

DEPARTMENT FOR SOCIAL INSURANCE
"An Equal Opportunity Employer M/F/H"

KASES Network Memo No. 10

TO: Staff, Division of Child Support Enforcement
All IV-D Agents

FROM: Maxine Stricker, Director
Division of Child Support Enforcement

DATE: October 28, 1992

SUBJECT: Highest Valid Support Order Used to Determine
Obligation and Calculate Arrearages

Effective November 2, 1992, the valid support order with the highest obligation amount will be used to determine the current support obligation and to calculate arrearages. The support order can issue from either a circuit or district court in Kentucky or from an out of state court. This change in policy is being made on advice from the Department of Law (formerly Office of the Counsel).

EXCEPTION: A divorce decree modifies all earlier paternity and/or nonsupport orders even if the earlier orders have higher obligation amounts. However, any later order with a higher obligation amount than the divorce decree is used to determine the obligation amount and calculate arrearages.

Jurisdiction is the legal authority over persons and subject matter exercised by a court within set geographical boundaries. Circuit Courts and District Courts each have jurisdiction over specific matters respecting child support. Before any court can take legal action it must have jurisdiction over the subject matter and the persons involved in the dispute.

According to the Kentucky Revised Statutes (KRS) district court has jurisdiction over the following actions concerning child support:

- establishing paternity (KRS Chapter 406),
- criminal misdemeanor non-support actions (KRS 530.050),
- URESA-In cases (KRS Chapter 407), and
- juvenile cases and domestic violence cases.

Circuit courts have jurisdiction over all other types of child support cases and over felony nonsupport criminal cases. Within its jurisdiction each court has the ability to establish a valid child support order in a proceeding before that court. It is therefore possible to have more than one valid order for child support for a particular period of time.

For example, KRS 407.350 specifically states that an order entered in a URESA proceeding does not modify existing orders. However, all payments are credited under both orders.

Also, a criminal action for non-support in District Court could result in a support order for a different amount than ordered by a Circuit Court in a divorce action or other child support case. Each of the above described orders is valid as it is within the jurisdiction of the particular court, but none can modify the other court's order. Therefore, more than one court order can be valid and enforceable. A support order which is still valid and has not been modified is input as a deferred amount in KASES. Payments received are credited against the deferred order.

The client, and the Cabinet for Human Resources as assignee, are legally entitled to collect the highest amount of child support ordered by a valid court order, and this policy ensures that current support and arrearages are calculated correctly.

As a Circuit Court order may be modified by a subsequent Circuit Court order and a District Court order may be modified by a subsequent District Court order, the most recent orders for each court are compared and the highest used to determine current support. If a URESA order is also involved, the URESA order is also compared and used if it is for the highest amount.

Example

A case has the following support orders:

- a Franklin Circuit Court order dated 9/15/92 for \$200.00 a month;
- a Franklin District Court order dated 9/1/91 for \$300.00 a month, with a six month probation period;
- a Franklin Circuit Court order dated 2/1/90 for \$400.00 a month;
- a Franklin District Court order dated 7/1/89 for \$200.00 a month, with a six month probation period; and
- an administrative order dated 4/1/89 for \$500.00 a month.

The administrative order of 4/1/89 is superseded by the 7/1/89 Franklin District Court order. The district order of 7/1/89 is not for permanent support but is a probationary order in which paying support is a condition which must be met by the absent parent to stay out of jail.

When a probationary order is entered, the responsible worker does the following:

- sets up a worklist message for two months before the probationary order expiration date, and
- enters the date the probationary order ends in the Ending Date field on the Create Court Order Screen.

The two month time period between the worklist message and the district order expiration date gives the caseworker time to do the following:

- enter the deferred order if there is one, and request that the contracting official review the deferred order to determine if modification is necessary, or
- request the contracting official to obtain a valid court order if there are no deferred orders in the case.

Current support and arrearages are calculated according to the district order of 7/1/89 until it expires on 1/1/90. The example shows the absent parent not covered by any child support orders from 1/1/90 through 1/31/90. If the absent parent fails to pay support after the probationary order expires, from 1/1/90 through 1/31/90, the Franklin Circuit Court could set an arrearage in its 2/1/90 order for this time period.

The circuit court order of 2/1/90 is used to determine child support and calculate arrearages until the Franklin District Court order of 9/1/91. The 9/1/91 district order is used because it sets current support higher than circuit order of 2/1/90. However, the 9/1/91 district order will expire on 3/1/92. The caseworker inputting the 9/1/91 order is responsible for entering the district order expiration date in the Create Court Order Screen and entering the 2/1/90 circuit order as a deferred order. Even though current support will be determined by the 9/1/91 district order, all payments received will be credited against the deferred 2/1/90 circuit order.

The caseworker is responsible for inputting the 2/1/90 circuit order when the 9/1/91 district order expires on 3/1/92. After inputting the deferred order, caseworkers notify the appropriate contracting official and request a review of the deferred order to ensure the highest amount is being collected.

The 9/15/92 order of Franklin Circuit court modifies the circuit order of 2/1/90 from an obligation amount of \$400.00 to \$200.00. Current support and arrearages are calculated with the 9/15/92 order.

KRS 403.211 (3) (a) through (g) requires courts to make a written or specific finding that the application of the guidelines would be unjust or inappropriate in a particular case. Orders which fail to conform to the Child Support Guidelines should contain the court's reasoning for not following the guidelines.

The contracting official sends a copy of the order to be filed in the area office's case file. The caseworker contacts the contracting official to find out why the guidelines were not followed if the order does not conform with the guidelines, and it does not contain a written or specific finding.

All support orders are to be reviewed when arrearages are recalculated or during any review of a IV-D case by the area office staff or caseworkers in the contracting official's office. The valid court order with the highest obligation amount will be used for calculations effective November 2, 1992.

Support Order Update for KASES

If a case has a prior order with a higher obligation than the order being used to determine current support, the caseworker reactivates the prior support order by creating it again in KASES. Support orders must be created again to update the order and/or extension(s) associated with the order.

The caseworker completes the following actions to update the support order:

- selects 04, Add Support Order, from the Financial Management Menu;
- enters the IV-D number and presses enter; and
- presses PF6, Add Court Order, on the Select Court Order Screen.

Pressing PF6 causes the Create Court Order screen to display. The Create Court Order Screen shows the current support order. The caseworker inputs all relevant support order information from the order with the highest obligation. This information is input over the current support order information displayed on the Create Court Order Screen on KASES.

To input the court order with the highest obligation amount, the caseworker completes the following fields on the Create Court Order Screen:

- File #,
- Court Date,
- Court FIPS,
- Court Name,
- Pay Order Type, and
- Spousal Support Indicator.

The Court Date field can be changed, but the Start Date field always remains the same. All support order information is permanently recorded in KASES for future reference. Once the support order is updated, the caseworker presses PF9 to confirm. The Update/Inquire Extension Screen displays.

To update the support order extension, the caseworker completes the following actions:

- selects the number of the extension to be updated and presses enter;
- enters the charge frequency, the frequency amount, and the ordered amount in the respective fields on the Update Order Extension Screen; and
- presses PF9 to confirm.

If the previous support order is not modified, the caseworker enters all relevant support order information in the deferred amount fields on the Update Order Extension Screen and presses PF9 to confirm.

Support Order Update for the CS System

To update a support order on the CS System, the caseworker enters all support order changes on a Payor Case Record Add/Change Input Form (CS-4). After filling out the required case identifying information on the CS-4, the caseworker enters the following information:

- unreimbursed grant in field 38;
- court order type in field 39;
- docket number in field 40;
- effective date of the order in field 41;
- FIPS Code in field 42;
- number of children covered by the order in field 43;
- court ordered amount in field 44;
- frequency of child support in field 45; and
- any changes in arrearages in fields 46, 47, and/or 48, if applicable.

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October 28, 1992
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This KASES network memo affects and is to be cross referenced by area office caseworkers with Manual Subsections 18.070, pages 11-12, and 21.040, pages 7-8.

DCSE STAFF AND CONTRACTING OFFICIALS WHO HAVE NOT IMPLEMENTED KASES ARE TO SAVE AND FILE THIS MEMO FOR FUTURE REFERENCE.

Retention: Until Superseded

Inquiries: Supervisors

Obsolete: Information Release #220 (3/13/87)



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DEPARTMENT FOR SOCIAL INSURANCE
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DCSE RELEASE

ERRATA

TO: Staff, Division of Child Support Enforcement
All IV-D Agents

FROM: Maxine Stricker, Director
Division of Child Support Enforcement

DATE: November 6, 1992

SUBJECT: Correction on Page Two of KASES Network Memo No. 10
Highest Valid Support Order Used to Determine
Obligation and Calculate Arrearages

The example on page two of KASES Network Memo No. 10 has been corrected to reflect an obligation amount of \$200.00 for the Franklin Circuit Order dated 2/1/90. Pages one and two of KASES Network Memo No. 10, dated October 28, 1992, are to be replaced by the attached pages one and two.

This errata is to be attached to the corrected KASES Network Memo No. 10.

DCSE STAFF AND CONTRACTING OFFICIALS WHO HAVE NOT IMPLEMENTED KASES ARE TO SAVE AND FILE THIS MEMO FOR FUTURE REFERENCE.

Attachment: Pages one and two of KASES Network Memo No. 10

Retention: Until Superseded

Inquiries: DCSE Staff - Supervisors
IV-D Agents - Compliance Analysts



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